



Federal Communications Commission  
Washington, D.C. 20554

December 18, 2003

**BY FAX AND U.S. MAIL**

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**In Re: AirCell, Inc. Petition for Extension of Waiver of 47 C.F.R. § 22.925  
WT Docket No. 02-86**

Dear Counsel:

The Mobility Division of the Wireless Telecommunications Bureau is currently evaluating the record established in the above referenced-proceeding. Following review of the technical reports in the record, the staff of the Mobility Division has determined that access to and examination of certain technical data, *as specified below*, would be helpful in completing its evaluation. Accordingly, we are requesting the parties to this proceeding to determine whether they possess the data in question in a readily available form and if so, to submit the requested information into the record in the manner discussed below. Because the requested data, if it exists, may likely be in the possession of individual AirCell partner companies, a consolidated response for some or all of these parties would be acceptable for our purposes. We are also interested in any such data that may be in the possession of an AirCell partner company who is also an AirCell opponent, and who might not wish to join in a consolidated response. In that case, the party may wish to submit separately any data that is responsive to this request.

Specifically, we request actual day-to-day operating data showing the output power (preferably in dBm) that the airborne transmitters utilize in normal operation. We understand that there are seven specific 4 dB power steps in the typical AirCell aircraft installation. We seek ordinary, everyday operating data, if it is available, that reflects in a broad representative sense, across the country, which power steps AirCell-equipped aircraft typically utilize, what actual transmitting power those steps represent, and what percentage of the transmitting time each of

these steps are used. There is already sufficient data in the record concerning the operating power steps that were recorded during the 1997 Texas-Oklahoma tests on which the existing waiver is based. There is also sufficient discussion in the record concerning the somewhat higher power steps reported from the recent Marlboro, NJ testing. Accordingly, we emphasize that we are not looking for additional data recorded during special tests conducted by the parties or their consultants under controlled conditions. We request parties submitting the data specified in this letter to succinctly explain the presentation of the requested data.

If the requested data is not readily available to a party, or if any party has such data but does not wish to submit it, we request a short (one-page) written response to this letter from representatives for each such party stating that the data is not readily available or that the party does not wish to place it in the public record, whichever is the case.

We request the parties to respond on or before January 16, 2004. Any response should reference AirCell's petition for extension of its waiver and WT Docket No. 02-86.

Please direct your response to:

B.C. "Jay" Jackson, Jr.  
Mobility Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
Washington, DC 20554

Your response should also be submitted, preferably electronically through ECFS, in WT Docket No. 02-86. Additionally, please send a copy of your response electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth in the March 11, 2003 Public Notice)<sup>1</sup> to: (1) the Commission's duplicating contractor, Qualex International, at qualexint@aol.com or (202) 863-2898 (facsimile); and (2) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at Kathy.Harris@fcc.gov, or (202) 418-7447 (facsimile). If you have any questions about this matter, you may contact me at (202) 418-0620.

Sincerely,



Katherine M. Harris  
Deputy Chief, Mobility Division

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<sup>1</sup> Wireless Telecommunications Bureau Seeks Comment on Petition Filed by AirCell, Inc. for Extension of Waiver, *Public Notice*, WT Docket No. 02-86, DA 03-721, at 3 (rel. Mar. 11, 2003).